

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the
DISTRICT OF NEBRASKA

Omaha DIVISION

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2018 SEP -5 AM 11:23
OFFICE OF THE CLERK

Shawn Michael Titus

Case No.

8:18CW417
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Sarpy District Court

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|-----------------------|
| Name | Shawn Titus |
| Street Address | 4902 Glenmorrie Dr. |
| City and County | Bellevue, Sarpy |
| State and Zip Code | Nebraska 68157 |
| Telephone Number | 402-871-0729 |
| E-mail Address | shawnmтитus@gmail.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

U.S. Constitution
Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

Defendant No. 1

| | |
|----------------------------------|----------------------|
| Name | Sarpy District Court |
| Job or Title <i>(if known)</i> | |
| Street Address | 1210 Golden Gate Dr. |
| City and County | Papillion, Sarpy |
| State and Zip Code | Nebraska 68046 |
| Telephone Number | 402-593-2267 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 2

| | |
|----------------------------------|----------------------|
| Name | Gage R. Cobb |
| Job or Title <i>(if known)</i> | Prosecuting Attorney |
| Street Address | 1210 Golden Gate Dr. |
| City and County | Papillion, Sarpy |
| State and Zip Code | Nebraska 68046 |
| Telephone Number | 402-593-2267 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 3

| | |
|----------------------------------|----------------------------|
| Name | Honorable Robert C. Wester |
| Job or Title <i>(if known)</i> | Sarpy County Judge |
| Street Address | 1210 Golden Gate Dr. |
| City and County | Papillion, Sarpy |
| State and Zip Code | Nebraska 68046 |
| Telephone Number | 402-593-2246 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 4

| | |
|----------------------------------|------------------------------|
| Name | Honorable George A. Thompson |
| Job or Title <i>(if known)</i> | District Court Judge |
| Street Address | 1210 Golden Gate Dr. |
| City and County | Papillion, Sarpy |
| State and Zip Code | Nebraska 68046 |
| Telephone Number | 402-593-2367 |
| E-mail Address <i>(if known)</i> | |

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The events took place in the Sarpy County court house.

B. What date and approximate time did the events giving rise to your claim(s) occur?

The first event took place on November 15, 2017.

The second event took place March 19, 2018

The third event took place August 2, 2018

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was falsely accused by the State of sexual assault, using the exclusion and misrepresentation of facts and evidence. The investigator violated department procedure by failing in his duty to interview a material witness whose testimony would have exonerated me, despite the fact that he admitted in one of several reports that he was aware of the existence of the witness. He then misrepresented and excluded exonerating evidence on his affidavit, perjury and official misconduct, in order to manipulate the court. The Prosecuting attorney's office rejected several of his reports until one was sufficiently slanderous enough to use. As a result of the officers misconduct, and aggravated perjury, I was arrested on the basis of a text message that actually described the plaintiff sexually assaulting me. My bond was set at \$100,000 by county Judge Robert C. Wester on 11/15/17. Two months after being arrested, the witnesses gave their statements providing evidence that the plaintiff was in full control of her capacities, corroborating the plaintiff's own statements as well as my own. Despite this fact, among others, the prosecutor ignored his duties and the law, and continued to prosecute anyway. A preliminary hearing was held, and Judge Todd Hutton, failing in his duty to apply the law to the facts, as required by duty and law, bound my case over to District Court. My bond was reviewed on 3/19/18 by District Judge George A. Thompson, and bond reduction was denied. Trial was set for 8/7/18. Furthermore, several weeks before the trial date, my attorney informed me that the expert witness he was supposed to have retained, would be unable to attend the trial, and that if I wanted a fair trial, I would have to waive my right to speedy trial in order to schedule the expert to testify sometime in October. At this point, I had already spent 9 months in jail. I believed this was an attempt to manipulate me into taking some kind of plea deal, and on 8/2/18, Prosecutor Gage R. Cobb offered a plea deal with the following stipulations: 1) Shawn pleads no contest and agrees to waive sufficiency of evidence for factual basis for purposes of an appeal. 2) State agrees to submit at sentencing. 3) State agrees to lower bond to \$10,000 with pre-trial release and GPS. In conclusion, after sitting nine months in jail, the prosecutor used the plea agreement coercively as a bargaining chip to get me out of jail and violate my rights by getting me to agree not to appeal so that their illegal incarceration and excessive bond were not discovered by the appellate court.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Monetary damages could not possibly negate the stigma and requirements involved in becoming a registered sex offender, especially when no crime was committed. For 270+ days, I sat in jail, unable to wake up from this nightmare, while my attorney, who agreed that the State had no case, and even [wenhttps://onepeterfive.com/pius-modernism-relevant/t](https://onepeterfive.com/pius-modernism-relevant/t) as far as to say that this case would not have been prosecuted in another county, let alone set my bond so high, did the bare minimum required to satisfy his obligations. This court abused it's discretion by setting an extraordinarily high bond, regardless of the evidence, or lack thereof, and using that oppression to coerce an innocent person under duress to sign a plea agreement. Also, I cannot put a price tag on the subsequent loss of my voting rights, gun rights, right to hold public office, and others as well as the emotional trauma of this experience and the possibility that if some extraordinary action isn't taken, I will suffer indefinitely.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking an action against the Sarpy District Court and Prosecuting Attorney's office to cease any further progression of the case, return my bond, and cease pretrial release monitoring, before the case reaches conclusion, and irreparable harm is suffered. I no longer think it would be possible to have a fair trial even if the my plea agreement was withdrawn, considering the egregious nature of what I have already suffered. If it is within the power of the court, I believe a criminal investigation into the conduct of the judges, investigator, and prosecutor should take place as well. If such an investigation were to merit subsequent criminal and/or administrative discipline, I would ask damages be awarded for what it would have cost me to bail out of jail, \$10,000, per day, that I suffered in pretrial incarceration as a result of an excessive bond. Finally, I would ask for damages in the amount of \$25,000 in lost wages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/03/2018

Signature of Plaintiff

Shawn Michael Titus

Printed Name of Plaintiff

Shawn Michael Titus

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address